

**UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEW MEXICO**

In re: WINKLE, FRED VAN

§ Case No. 13-11743

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Debtor(s)

TRUSTEE'S FINAL REPORT (TFR)

The undersigned trustee hereby makes this Final Report and states as follows:

1. A petition under Chapter 7 of the United States Bankruptcy Code was filed on May 21, 2013. The undersigned trustee was appointed on May 21, 2013.
2. The trustee faithfully and properly fulfilled the duties enumerated in 11 U.S.C. §704.
3. All scheduled and known assets of the estate have been reduced to cash, released to the debtor as exempt property pursuant to 11 U.S.C. § 522, or have been or will be abandoned pursuant to 11 U.S.C. § 554. An individual estate property record and report showing the disposition of all property of the estate is attached as **Exhibit A**.
4. The trustee realized the gross receipts of \$ 18,018.00

Funds were disbursed in the following amounts:

Payments made under an interim distribution	<u>0.00</u>
Administrative expenses	<u>2,373.95</u>
Bank service fees	<u>53.90</u>
Other payments to creditors	<u>0.00</u>
Non-estate funds paid to 3rd Parties	<u>0.00</u>
Exemptions paid to the debtor	<u>0.00</u>
Other payments to the debtor	<u>0.00</u>
Leaving a balance on hand of ¹	\$ <u>15,590.15</u>

The remaining funds are available for distribution.

5. Attached as **Exhibit B** is a cash receipts and disbursements record for each estate bank account.

¹ The balance of funds on hand in the estate may continue to earn interest until disbursed. The interest earned prior to disbursement will be distributed pro rata to creditors within each priority category. The trustee may receive additional compensation not to exceed the maximum compensation set forth under 11 U.S.C. § 326(a) on account of the disbursement of the additional interest.

6. The deadline for filing non-governmental claims in this case was 09/21/2013 and the deadline for filing governmental claims was 11/17/2013. All claims of each class which will receive a distribution have been examined and any objections to the allowance of claims have been resolved. If applicable, a claims analysis, explaining why payment on any claim is not being made, is attached as **Exhibit C**.

7. The Trustee's proposed distribution is attached as **Exhibit D**.

8. Pursuant to 11 U.S.C. § 326(a), the maximum compensation allowable to the trustee is \$2,551.80. To the extent that additional interest is earned before case closing, the maximum compensation may increase.

The trustee has received \$0.00 as interim compensation and now requests the sum of \$2,551.80, for a total compensation of \$2,551.80.²In addition, the trustee received reimbursement for reasonable and necessary expenses in the amount of \$0.00 and now requests reimbursement for expenses of \$318.37, for total expenses of \$318.37.²

Pursuant to Fed R Bank P 5009, I hereby certify, under penalty of perjury, that the foregoing report is true and correct.

Date: 01/27/2015 By: /s/Clarke C. Coll
Trustee

STATEMENT: This Uniform Form is associated with an open bankruptcy case, therefore, Paperwork Reduction Act exemption 5 C.F.R. § 1320.4(a)(2) applies.

²If the estate is administratively insolvent, the dollar amounts reflected in this paragraph may be higher than the amounts listed in the Trustee's Proposed Distribution (Exhibit D)

Form 1

Individual Estate Property Record and Report

Asset Cases

Case Number: 13-11743

Trustee: (510150) Clarke C. Coll

Case Name: WINKLE, FRED VAN

Filed (f) or Converted (c): 05/21/13 (f)

§341(a) Meeting Date: 06/18/13

Period Ending: 01/27/15

Claims Bar Date: 09/21/13

1 Asset Description (Scheduled And Unscheduled (u) Property) Ref. #	2 Petition/ Unscheduled Values	3 Estimated Net Value (Value Determined By Trustee, Less Liens, Exemptions, and Other Costs)	4 Property Abandoned OA=\$554(a)	5 Sale/Funds Received by the Estate	6 Asset Fully Administered (FA)/ Gross Value of Remaining Assets
1 Condominium - value based on current listing pri (See Footnote)	119,000.00	0.00		0.00	FA
2 7.1060 acres of land on a permanent foundation a (See Footnote)	300,000.00	14,670.77		0.00	FA
3 1/2 interest 311.3 acres of farmland (292.9 acre (See Footnote)	23,347.50	23,347.50		12,500.00	FA
4 30 acres of grazing land/horse property with two (See Footnote)	230,000.00	200,000.00		0.00	FA
5 Oil and Gas Lease (receives \$146.47 annually) -, (See Footnote)	500.00	500.00		0.00	FA
6 Checking account First National Bank of Ruidoso	268.45	0.00		0.00	FA
7 Furniture, appliances and electronics	3,000.00	0.00		0.00	FA
8 Clothing	500.00	0.00		0.00	FA
9 Watch and misc. jewelry	2,500.00	0.00		0.00	FA
10 Potential legal malpractice suit against Attorne (See Footnote)	Unknown	0.00		0.00	FA
11 Claim of 1/3 of \$26,176.89. Corporate unclaimed (See Footnote)	8,638.37	8,638.37		0.00	FA
12 2012 Honda CVR - titled in debtor's name and Eli	0.00	0.00		0.00	FA
13 2002 Ford Expedition	3,900.00	0.00		0.00	FA
14 CRP payments received post-petition (u) Debtor was receiving CRP payments from County FSA program and the Trustee demanded turnover of the post-petition payments. The Personal Representative of debtor's estate turned over the payments received to Trustee upon demand.	0.00	5,000.00		5,518.00	FA

14	Assets Totals (Excluding unknown values)	\$691,654.32	\$252,156.64	\$18,018.00	\$0.00
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RE PROP# 1 Trustee has examined the record and cannot avoid the judgment lien. Judgment lien attaches to property 1,2 & 4. No equity available for estate.

RE PROP# 2 Judgment lien attaches to property 1,2 & 4

RE PROP# 3 This is an undivided interest in Farmland that is currently in CRP. Dry land farm -311.2 acres-value approx \$150 per acre. Debtors max value approximately \$23340. Trustee received offer

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§341(a) Meeting Date: 06/18/13

Period Ending: 01/27/15

Claims Bar Date: 09/21/13

1	2	3	4	5	6
Asset Description (Scheduled And Unscheduled (u) Property)	Petition/ Unscheduled Values	Estimated Net Value (Value Determined By Trustee, Less Liens, Exemptions, and Other Costs)	Property <u>Abandoned</u> OA=\$554(a)	Sale/Funds Received by the Estate	Asset Fully Administered (FA)/ Gross Value of Remaining Assets
Ref. #					

from Debtor's Daughter to purchase "as is, where is" with no warranty of title. Trustee will accept offer subject to court approval to sell since the estate will have no costs associated with sale.

RE PROP# 4 Judgment lien attaches to property 1,2 & 4

RE PROP# 5 Trustee sent information to O & G broker and Landman and was advised that the interest is small and has little value. Cost associated with transfer would exceed benefit to estate

RE PROP# 10 Trustee beleives claim has no value

RE PROP# 11 Trustee investigated claimed asset and upon review and examination, the asset is unlikely to ever materialize. Trustee will abandon.

Major Activities Affecting Case Closing:

Trustee pursuing offer from Debtor family member for certain assets and evaluating estate value of other non-exempt property

December 2014-Trustee collected and liquidated all assets and hire accountant to prepare estate tax return and upon filing returns, Trustee will pursue TFR.

9/19/2014 Trustee filed Motion to sell. Trustee pursuing sale of RE to daughter; Trustee received info from O & G broker on mineral interest to review. February 2014, Trustee received offer from relative from debtor on farm property and trustee evaluating offer; Trustee evaluating property values to determine best course to achieve value to estate

Initial Projected Date Of Final Report (TFR): December 1, 2014

Current Projected Date Of Final Report (TFR): December 1, 2014

Form 2

Cash Receipts And Disbursements Record

Case Number: 13-11743
Case Name: WINKLE, FRED VAN

Trustee: Clarke C. Coll (510150)
Bank Name: Rabobank, N.A.
Account: *****3366 - Checking Account
Blanket Bond: \$1,000,000.00 (per case limit)
Separate Bond: N/A

Taxpayer ID #: **-***0682
Period Ending: 01/27/15

1 Trans. Date	2 {Ref #} / Check #	3 Paid To / Received From	4 Description of Transaction	T-Code	5 Receipts \$	6 Disbursements \$	7 Checking Account Balance
10/16/14	{3}	Tammy Sprague	Per Order 10/15/2014 DOC 44 purchase of real property interest	1110-000	12,500.00		12,500.00
10/31/14		Rabobank, N.A.	Bank and Technology Services Fee	2600-000		10.00	12,490.00
11/28/14		Rabobank, N.A.	Bank and Technology Services Fee	2600-000		16.16	12,473.84
12/01/14	{14}	Tammy L. Sprague	Turnover of CRP payments received post-petition on Farm property before sell	1221-000	5,518.00		17,991.84
12/31/14		Rabobank, N.A.	Bank and Technology Services Fee	2600-000		27.74	17,964.10
01/09/15	101	Steve W. Johnson, CPA, LLC	Accountant Fees and Costs Per Order 1/8/2015 DOC 55			491.71	17,472.39
			Fees approved per 454.50 Order 1/8/2015 DOC 55	3410-000			17,472.39
			Costs/GRT approved per 37.21 Order 1/8/2015 DOC 55	3420-000			17,472.39
01/11/15	102	Coll Bros. Law , LLC	Approved Fees and Cost per Order 1/9//2015 DOC 56			1,882.24	15,590.15
			Approved Fees 1,720.00	3110-000			15,590.15
			Approved costs and GRT 162.24	3120-000			15,590.15

ACCOUNT TOTALS	18,018.00	2,427.85	\$15,590.15
Less: Bank Transfers	0.00	0.00	
Subtotal	18,018.00	2,427.85	
Less: Payments to Debtors		0.00	
NET Receipts / Disbursements	\$18,018.00	\$2,427.85	

TOTAL - ALL ACCOUNTS	Net Receipts	Net Disbursements	Account Balances
Checking # *****3366	18,018.00	2,427.85	15,590.15
	\$18,018.00	\$2,427.85	\$15,590.15

TRUSTEE'S PROPOSED DISTRIBUTION

Exhibit D

Case No.: 13-11743

Case Name: WINKLE, FRED VAN

Trustee Name: Clarke C. Coll

Balance on hand: \$ 15,590.15

Claims of secured creditors will be paid as follows:

Claim No.	Claimant	Claim Asserted	Allowed Amount of Claim	Interim Payments to Date	Proposed Payment
1	First National Bank	13,860.09	13,860.09	0.00	0.00

Total to be paid to secured creditors: \$ 0.00Remaining balance: \$ 15,590.15

Applications for chapter 7 fees and administrative expenses have been filed as follows:

Reason/Applicant	Total Requested	Interim Payments to Date	Proposed Payment
Trustee, Fees - Clarke C. Coll	2,551.80	0.00	2,551.80
Trustee, Expenses - Clarke C. Coll	318.37	0.00	318.37

Total to be paid for chapter 7 administration expenses: \$ 2,870.17Remaining balance: \$ 12,719.98

Applications for prior chapter fees and administrative expenses have been filed as follows:

Reason/Applicant	Total Requested	Interim Payments to Date	Proposed Payment
None			

Total to be paid for prior chapter administrative expenses: \$ 0.00Remaining balance: \$ 12,719.98

In addition to the expenses of administration listed above as may be allowed by the Court, priority claims totaling \$0.00 must be paid in advance of any dividend to general (unsecured) creditors.

Allowed priority claims are:

Claim No	Claimant	Allowed Amount of Claim	Interim Payments to Date	Proposed Payment
None				

Total to be paid for priority claims: \$ 0.00Remaining balance: \$ 12,719.98

The actual distribution to wage claimants included above, if any, will be the proposed payment less applicable withholding taxes (which will be remitted to the appropriate taxing authorities).

Timely claims of general (unsecured) creditors totaling \$ 56,997.95 have been allowed and will be paid pro rata only after all allowed administrative and priority claims have been paid in full. The timely allowed general (unsecured) dividend is anticipated to be 22.3 percent, plus interest (if applicable).

Timely allowed general (unsecured) claims are as follows:

Claim No	Claimant	Allowed Amount of Claim	Interim Payments to Date	Proposed Payment
2 -2	Richard Hawthorne, Esq.	19,757.78	0.00	4,409.26
3	Yarbro & Associates, P.A.	27,751.23	0.00	6,193.12
4	CANDICA, LLC	9,488.94	0.00	2,117.60
5	Brian Van Winkle (Withdrawn)	0.00	0.00	0.00

Total to be paid for timely general unsecured claims: \$ 12,719.98
Remaining balance: \$ 0.00

Tardily filed claims of general (unsecured) creditors totaling \$ 0.00 have been allowed and will be paid pro rata only after all allowed administrative, priority and timely filed general (unsecured) claims have been paid in full. The tardily filed claim dividend is anticipated to be 0.0 percent, plus interest (if applicable).

Tardily filed general (unsecured) claims are as follows:

Claim No	Claimant	Allowed Amount of Claim	Interim Payments to Date	Proposed Payment
None				

Total to be paid for tardy general unsecured claims: \$ 0.00
Remaining balance: \$ 0.00

Subordinated unsecured claims for fines, penalties, forfeitures, or damages and claims ordered subordinated by the Court totaling \$ 0.00 have been allowed and will be paid pro rata only after all allowed administrative, priority and general (unsecured) claims have been paid in full. The dividend for subordinated unsecured claims is anticipated to be 0.0 percent, plus interest (if applicable).

Subordinated unsecured claims for fines, penalties, forfeitures or damages and claims ordered subordinated by the Court are as follows:

Claim No	Claimant	Allowed Amount of Claim	Interim Payments to Date	Proposed Payment
None				

Total to be paid for subordinated claims: \$ 0.00
Remaining balance: \$ 0.00

